

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Andrew Plummer,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:15-cv-0016-TLW
)	
Warden Tim Riley, IGC Ms. Powe, DHO,)	
Glidewell)	
)	
Defendants.)	
)	

ORDER

Plaintiff Andrew Plummer, a state prisoner proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. ECF No. 1. On March 21, 2016, Defendants filed a motion for summary judgment, ECF No. 76, to which Plaintiff filed a response in opposition, ECF No. 88, and Defendants replied, ECF No. 89. Plaintiff filed a motion for summary judgment on March 21, 2016, ECF No. 77, to which Defendants responded, ECF No. 85, and Plaintiff replied, ECF No. 91.

The matter now comes before the Court for review of the Report and Recommendation (the Report) filed on January 17, 2017, by the United States Magistrate Judge to whom this case is assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e), (D.S.C.). ECF No. 92. In the Report, the Magistrate Judge addresses the cross-motions for summary judgment and recommends denying Plaintiff's motion for summary judgment and granting Defendants' motion for summary judgment. *Id.* Plaintiff filed Objections to the Report on February 2, 2017, ECF No. 94, and Defendants filed a reply to Plaintiff's objections, ECF No. 96.¹ The matter is

¹ Defendants filed a motion for extension of time to file the reply to objections, ECF No. 95, and

now ripe for disposition.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In conducting its review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report, Plaintiff's Objections, the record, and the relevant law. The Magistrate Judge has carefully analyzed the issues raised in the Report and recommends granting Defendants' Motion for Summary Judgment on all of Plaintiff's claims. After consideration of the objections, this Court concludes the objections, ECF No. 94, are overruled with one exception. The Plaintiff objects that "60 days good time was taken." *Id.* While the Report makes reference to this issue on page three, it does not specifically address this matter or the evidence of record related to it. Therefore, the Court **RECOMMITS** the Report to the Magistrate Judge only as to this question for preparation

subsequently filed their reply, ECF No. 96. Thus, the motion, ECF No. 95, is deemed **MOOT**.

of a supplemental report regarding loss of the 60 days good time credit. As stated, this Court **ACCEPTS IN PART** the Report, ECF No. 92, regarding all other issues analyzed.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Chief United States District Judge

March 9, 2017
Columbia, South Carolina